

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 21, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

SCOTT ISAAC HAWKERSMITH, II,

Plaintiff,

v.

JAMIE L. MUFFET,

Defendant.

No. 1:23-cv-03044-MKD

ORDER OF DISMISSAL
PURSUANT TO LCivR 41(b)(2)

Plaintiff commenced this action on April 3, 2023. ECF No. 1. Plaintiff is proceeding *pro se* in this matter. By Order dated August 30, 2023, Plaintiff was directed to file a Rule 7.1 disclosure no later than September 29, 2023. ECF No. 7. That Order, addressed to Plaintiff, was returned as undeliverable on September 18, 2023. ECF No. 8.

Local Civil Rule 41(b)(2) requires a *pro se* litigant to keep the Court and opposing parties advised as to his current mailing address. If mail directed to a *pro se* plaintiff is returned by the Postal Service, he has sixty (60) days to notify the

1 Court and opposing parties of his current address or the Court may dismiss the
2 action. LCivR 41(b)(2).

3 The Court has an interest in managing its docket and in the prompt
4 resolution of civil matters. *See Destfino v. Reiswig*, 630 F.3d 952, 959 (9th Cir.
5 2011) (affirming district court's inherent power to control its docket); *see also*
6 *Pagtalunan v. Galaza*, 291 F.3d 639, 642-44 (9th Cir. 2002) (discussing factors to
7 consider in dismissing a claim for failure to prosecute or failure to comply with
8 court order, including the public's interest in expeditious resolution, the court's
9 need to manage docket, and the risk of prejudice to defendants). Plaintiff has
10 failed to keep the Court apprised of his current address.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to
13 LCivR 41(b)(2).

14 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
15 of this Order could not be taken in good faith and would lack any arguable basis in
16 law or fact.

1 **IT IS SO ORDERED.** The District Court Executive is directed to file this
2 Order, enter judgment, and provide copies to counsel and *pro se* Plaintiff at his last
3 known address, and **CLOSE** the file.

4 DATED November 21, 2023.

5 *s/Mary K. Dimke*
6 MARY K. DIMKE
7 UNITED STATES DISTRICT JUDGE
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